

**MINUTES OF THE  
SENATE JUDICIAL CONFIRMATION COMMITTEE**  
Monday, February 22, 2010 – 6:00 p.m. – Room 450 State Capitol

**Members Present:**

Sen. Scott K. Jenkins, Chair  
Sen. Jon J. Greiner  
Sen. Karen Mayne  
President Michael G. Waddoups

**Members Absent:**

Sen. Lyle W. Hillyard

**Staff Present:**

Ms. Esther D. Chelsea-McCarty, Associate General Counsel  
Mr. Jerry D. Howe, Policy Analyst  
Ms. Amanda K. Majers, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Jenkins called the meeting to order at 6:15 p.m. The Committee introduced themselves to the candidate and the audience. The candidate, Judge Stephen L. Roth, introduced his family, friends, and colleagues to the Committee.

**MOTION:** President Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Judge Stephen L. Roth. The motion passed unanimously.

**MOTION:** President Waddoups moved to open the meeting. The motion passed unanimously.

**2. Interview of Judge Stephen L. Roth**

Judge Roth was placed under oath by Mr. Howe. Judge Roth thanked the Committee and Mr. Howe for guiding him through the confirmation process. He also expressed gratitude to the governor and his staff for nominating him for the position of judge on the Court of Appeals. Judge Roth detailed his professional career and his experience as a judge in the Third District Court, and he described his personal life. Judge Roth outlined his judicial philosophy, which encompasses striving to do the right thing within the boundary of law, deciding cases on the facts and putting aside prejudices, dedicating time to analyze points of law, utilizing sympathetic detachment or an open mind, treating all parties with dignity and respect, providing an orderly process, producing timely and clear decisions, and exhibiting humility.

Sen. Greiner inquired about inconsistencies in Judge Roth's application to the Court of Appeals and asked about Judge Roth's resignation of his commission from the Marine Corps. In answer, Judge Roth detailed his experience in the Marine Corps and stated that once his goals as a Marine were met he decided it was time to pursue his desire to go to law school. Sen. Greiner asked Judge Roth's opinion on the death penalty. Judge Roth stated that, though he has not had to impose the death penalty, he has come to the conclusion that it is not unconstitutional, and he affirmed that he will continue to follow the law when issuing opinions as a judge.

Sen. Mayne stated that a few attorneys sought her out to inform her of Judge Roth's qualifications to serve on the Court of Appeals and give their recommendation. Sen. Mayne stated that she looks for the quality of having been tested in a leader and she asked Judge Roth to give an example of that. Judge Roth

stated that the Marine Corps forced him to overcome physical and mental obstacles. He also stated that he grew up in humble circumstances and worked hard during his career both physically and emotionally.

President Waddoups inquired whether there was anything in Judge Roth's past that if it were commonly known would be an embarrassment to the state of Utah or the judiciary. Judge Roth stated that there was not. President Waddoups asked Judge Roth to explain his goals for the judiciary if he is confirmed to the Court of Appeals. Judge Roth stated that it would be the capstone for his career and he is looking forward to the deep study and thoughtfulness involved in being a Court of Appeals judge. He further explained that he is prepared for the position and would value it. President Waddoups concluded by stating that Judge Roth's resume is exemplary and commended Judge Roth for his service.

Sen. Jenkins also stated that he found Judge Roth's resume to be exemplary. He remarked that he was impressed with Judge Roth's admission of needing to seek maturing experiences in his youth.

Ms. Megan Roth, daughter of Judge Roth, stated how proud she is of him and said that he is one of the most intelligent and honorable men she knows. Ms. Roth said the state would be privileged to have him as a judge on the Court of Appeals.

**MOTION:** Sen. Greiner moved to recommend favorably to the full Senate that Judge Stephen L. Roth be confirmed as a judge on the Court of Appeals. The motion passed unanimously.

### **3. Other Items / Adjourn**

**MOTION:** Sen. Greiner moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 7:19 p.m.